

Loudoun County Policy on:
3.9 SEXUAL HARASSMENT

Harassment on the basis of sex is a violation of Title VII of the 1964 Civil Rights Act and is prohibited by the Loudoun County Board of Supervisors. Sexual harassment is prohibited, viewed as misconduct and subject to disciplinary action, up to and including termination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature constitute sexual harassment when:

- A. Submission to conduct is made either an explicit or implicit condition of employment; or
- B. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- C. The harassment substantially interferes with the employee's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual Harassment Procedures

(A) How to Recognize Sexual Harassment

In evaluating and determining whether behavior is sexual harassment, the following factors should be considered:

- Is the behavior directed toward employees of one gender only?
- Is it unwelcome "courting, flirting, or sexual behavior"?
- Has the employee objected to the behavior or indicated that the behavior is unwelcome? Remember that an employee needn't openly object to certain behavior for it to be unwelcome.
- Is the behavior or similar behavior repeated? Has it happened before?
- Does the behavior interfere with the employee's work performance?
- Does the behavior create an environment that is hostile, intimidating, or offensive for an employee?
- Does the employee feel demeaned, degraded, or embarrassed by the behavior?
- Have employment decisions been made on the basis of acceptance or rejection of the behavior?
- Has an employee who once voluntarily participated in the behavior expressly stated that the behavior is no longer welcome?

(B) If an Employee has a Sexual Harassment Complaint

The employee should tell the offender to stop the inappropriate behavior and report the complaint without delay or fear of reprisal to his/her supervisor, Human Resources or to any member of management whom he/she feels can help.

(C) If a Supervisor Receives a Sexual Harassment Complaint

Must listen to the employee, document facts relayed by the employee and immediately contact Human Resources.

The Supervisor should not: assume the alleged perpetrator is at fault; tell the employee relaying the complaint to ignore it; assume the employee asked for it or is at fault; make light of, laugh at, or discount the complaint; tell the employee relaying the complaint to retaliate, e.g., embarrass the alleged harasser or react with physical aggression; or let the behavior continue.

(D) Sexual Harassment Investigations

A full investigation of all sexual harassment complaints will be conducted, typically by Human Resources. Confidentiality will be maintained as much as possible. In determining whether the

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alleged conduct constitutes sexual harassment, the totality of circumstances, the nature of the act, and the context in which the alleged incident occurred will be fully investigated.

(E) Departmental Responsibilities:

The Department Head will:

- (1) Ensure that the County's sexual harassment policy is clearly posted in the department.
- (2) Designate a person within the department, who is sensitive to and understands the issue of sexual harassment to serve as a departmental contact in regard to sexual harassment issues.
- (3) Contact Human Resources immediately if a complaint is received.
- (4) Include sexual harassment awareness as part of any departmental orientation and training of employees.
- (5) Ensure that supervisors understand, actively enforce and communicate to employees this sexual harassment policy and these procedures; and immediately report sexual harassment complaints.